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FILED

JUN -6 2011

NOT FOR PUBLICATION
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EASTERN DISTRICT OF CALIFORNIAUNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re) Case No. 11-20542-E-7
LOREN FRANK FASMER and) Docket Control No. DEF-001
MARY LOU BRYANT FASMER,)
Debtors.)

MEMORANDUM OPINION DENYING MOTION TO ABANDON ASSETS

After notice and hearing, the court may order the Trustee to abandon property of the Estate that is burdensome to the Estate or of inconsequential value and benefit to the Estate. 11 U.S.C. § 554(b). Property in which the Estate has no equity is of inconsequential value and benefit. *Cf. Vu v. Kendall (In re Vu)*, 245 B.R. 644 (B.A.P. 9th Cir. 2000). Here the property is Loren Fasmer's sole-proprietorship business, "Loren Fasmer Construction."

However, the Motion fails to properly plead the necessary elements of a motion to abandon property, particularly the identity of the assets, value of the assets, the basis for the lack of equity or how the assets are of inconsequential value or benefit to the Estate.

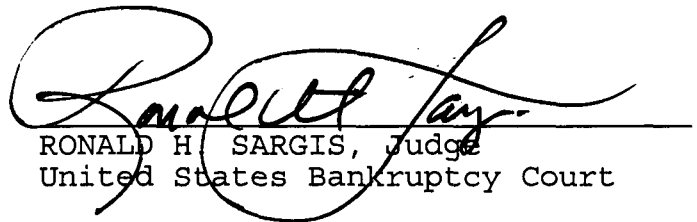
The court has no idea of what assets are to be abandoned, what constitutes the "sole proprietorship," or what assets of the

1 Debtors have been disclosed on the Schedules are part of the
2 business. It is not the court's responsibility to draft
3 pleadings for the parties.

4 The failure to properly plead a motion as required under
5 Federal Rule of Bankruptcy Procedure 9013 and the local rules of
6 this court create a fatal defect in the Motion. The court cannot
7 grant relief. Federal Rule of Bankruptcy Procedure 9013 requires
8 that, "The motion shall state with particularity the grounds
9 therefor, and shall set forth the relief or order sought." The
10 pleading titled "Motion" filed in this matter fails to establish
11 the prima facie case for the requested relief. It is not for the
12 court to traverse through other pleadings to make Debtors' case
13 for them. The abandonment motion is denied without prejudice.

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15 Dated: June 6, 2011

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17 RONALD H. SARGIS, Judge
18 United States Bankruptcy Court
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This document does not constitute a certificate of service. The parties listed below will be served a separate copy of the attached document(s).

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